

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE UNITED STATES OF AMERICA

v.

No. 19-cr-00251-LM

JOHNATHON IRISH

**ASSENTED-TO MOTION TO STAY PROCEEDINGS ON THE GOVERNMENT'S
MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Johnathan Irish, through counsel, with the assent of the United States, requests that the Court stay proceedings relating to the government's motion for a preliminary order of forfeiture.

1. The defendant was convicted on a one-count indictment of being a prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The indictment included a standard forfeiture provision, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), regarding firearms allegedly involved in the offense. After trial, the government filed a motion for a preliminary order of forfeiture pursuant to Rule 32.2(b)(2).

2. Also after trial, the defendant filed a pro se motion for a new trial which alleged ineffective assistance of his trial counsel. That motion led the Court to replace trial counsel with undersigned counsel.

3. The parties have extended deadlines on the preliminary forfeiture issue several times.

4. Rather than requesting further deadline extensions, the parties agree and request that the Court simply stay proceedings on the preliminary forfeiture issue until the request for a new trial is resolved.

5. The defense and the government agree that:

- a. Proceedings regarding the government's motion for preliminary forfeiture should be stayed until after the Court rules on the defendant's motion for new trial.
- b. The defense expressly agrees that all of the government's procedural and substantive rights regarding forfeiture are preserved.
- c. The defense expressly agrees that the firearms shall remain in the custody of the government.
- d. The government agrees that the rights of the defense to raise any valid objections to the forfeiture are preserved.

6. The government, through Assistant United States Attorney Anna Krasinski, assents to this motion.

7. No additional memorandum is submitted because all legal authority needed to act on this request is contained herein.

WHEREFORE, the defense respectfully requests that the Court stay proceedings relating to the government's motion for a preliminary order of forfeiture until the request for a new trial is resolved.

Date: June 2, 2020

Respectfully submitted,

/s/ Richard Guerriero
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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered Participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on the date the document was signed by me.

/s/ Richard Guerriero